

REMARKS

Claims 1, 3-5, and 8-26 are pending in the application. Applicant respectfully requests reconsideration in view of the Remarks submitted herewith.

Claims 1, 3-5, and 8-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada et al. (US 6,072,450) in view of Applicant's admitted prior art, figure 1.

In response to our last argument, the Examiner asserts that we are arguing about limitations that are not claimed. However, each of the claims includes the following elements: "said peripheral drive circuit being integrated in a peripheral region on an outside of said display pixel region" and the first electrode which is formed as a common electrode is "absent from said peripheral region." These elements are the focus of the arguments and are claimed in each of the claims. Moreover, those elements are not described in any reference.

In addition, the Examiner seems to be asserting that because Yamada does not disclose the common cathode would be formed over the integrating circuits, that one skilled in the art would be able to merely find how to form a common cathode in an EL display such as the way of teaching of Yamada that the common cathode formed over the entire display region. Applicant strongly traverses.

An Examiner cannot establish obviousness by locating references that describe various aspects of a patent applicant's invention without also providing evidence of the motivating force, which would have impelled one skilled in the art to do what the patent applicant has done. *Ex parte Levengood*, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. Int. 1993). In this case, because Yamada does not teach specifically teach the common cathode as being absent from the peripheral region, one skilled in the art would not have been motivated to make such a combination. In addition, the Examiner has not provided any assertion as to what the motivating force would have been to have the common cathode as being absent from the peripheral region.

In this case, a common cathode, which has a common pattern, does not require an evaporation mask when the film is formed by vacuum evaporation, or a patterning process using photolithography is not required after forming the film using a CVD method or the like, and thus, the common cathode can be obtained on the region over the whole substrate. Further, in the present invention, an organic compound is used in the emissive layer, and at least the organic compounds which are currently being developed are known to have poor endurance against water and oxygen. Accordingly, a person with ordinary skill in the art would form a common

cathode over a layer including such an organic compound in such a manner that the size of the common electrode is maximized, namely that the common cathode covers the region over the whole substrate, in order to minimize the possibility of external intrusion of water and oxygen into the layer including such an organic compound. In other words, a person with ordinary skill in the art would attempt to form a common cathode so as to cover the entire region over the substrate, not the display region only, so as to protect the layer including the organic compound.

Document JPA-H11-24606, which was cited in our response to the previous Office Action, provides clear evidence that one with ordinary skill in the art would form a common cathode so as to cover the region over the entire substrate. The Examiner's dismissal of this reference is inappropriate, as the document provides evidence of what is known in the art.

Accordingly, in order to reach the claimed invention, the Examiner has used an improper standard in arriving at the rejection of the above claims under section 103. The Examiner has based the rejections on improper hindsight, which fails to consider the totality of applicant's invention and to the totality of the cited references. In the present invention, the inventor boldly avoids forming a common cathode in the peripheral region in which the peripheral drive circuit is formed, even though one with ordinary skill in the art would form such a common cathode covering over the peripheral drive circuit, which is integrated on the substrate, and, as a result, realize a configuration wherein changes in the threshold value of TFT in the drive circuit can be prevented. Such a feature and advantage would not be obvious to a person with ordinary skill in the art.


Applicant continues to maintain all arguments made in the previous responses.

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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